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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|-------------------------|------------------------|
| 10/806,868 | 03/23/2004 | Mark S. Schaefer | GP-304231 (2760/149) | 2697 |
| 7590 05/03/2007 General Motors Corporation Legal Staff, Mail Code 482-C23-B21 300 Renaissance Center P.O. Box 300 Detroit, MI 48265-3000 | | | EXAMINER VO, TED T | |
| | | | ART UNIT 2191 | PAPER NUMBER |
| | | | MAIL DATE 05/03/2007 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/806,868

Applicant(s)

SCHAEFER, MARK S.

Examiner

Ted T. Vo

Art Unit

2191

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the communication filed on 03/23/2004.

Claims 1-27 are pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Kincaid, Pub No. US 2004/0117785 A1, filing on 12/2002.

Given the broadest reasonable interpretation of followed claims in light of the specification.

As per Claim 1: Kincaid discloses,

A method of managing a software configuration update of a vehicle ('cell cites' 121-123: *a vehicle*),
the method comprising:

identifying a first software module (See 0011: component/newer components/current versions, where these components are stored in a remote server [0050]);

retrieving a vehicle configuration data representative of a first vehicle software configuration (See 0017 and Figure 4: i.e. data received under a trigger event);

determining whether the first software module is compatible with the first vehicle software configuration at a call center (See Figure 4: 410/425, the DLM Manager compares received data with

Art Unit: 2191

current versions); **and sending a second vehicle software configuration from the call center** (Figure 4: 430: requested components are downloaded) **to a telematics unit** (FIGURE 2) **via a wireless network** (See Figure 2, also see 0002-0003, refer to wireless, over-the-air) **based on the determination.**

As per Claim 2: Kincaid discloses, *The method of claim 1, wherein identifying the first software module comprises identifying the first software module responsive to a trigger event* (See 0044-0046).

As per Claim 3: Kincaid discloses, *The method of claim 2, wherein the trigger event is one of a software request flag generated by the telematics unit or a software install flag generated by the telematics unit* (See 0046: e.g., "DONE").

As per Claim 4: Kincaid discloses, *The method of claim 1, wherein retrieving the vehicle configuration data comprises one of retrieving the vehicle configuration data from the telematics unit or retrieving the vehicle configuration data from a call center database* (e.g. the communication in FIGURE 1 described in FIGURE 2, or 0037).

As per Claim 5: Kincaid discloses, *The method of claim 1, wherein determining whether the first software module is compatible with the first vehicle software configuration comprises: identifying a second software module associated with the first vehicle software configuration; and determining whether the first software module is compatible with the second software module* (See FIGURE 4: Note The claimed limitation merely recites the definition of versioning).

As per Claim 6: Kincaid discloses, *The method of claim 5, wherein sending the second vehicle software configuration comprises sending the first software module from the call center to the telematics unit* (refer to software upgrade server sends requested versions of modules to the DLM)

As per Claim 7: Kincaid discloses, *The method of claim 5, wherein sending the second vehicle software configuration comprises sending a third software module to the telematics unit wherein the third software module is a different version of the first software module* (refer to a DLMs as seen in 0047).

As per Claim 8: *The method of claim 5, wherein sending the second vehicle software configuration comprises sending a fourth module to the telematics unit wherein the fourth module is a different version of the second module* (refer to a DLMs as seen in 0047).

Art Unit: 2191

As per Claim 9: *The method of claim 1, wherein the first software module includes a stub function identifying a software interdependency with a second software module* (See FIGURE 4, 420).

As per Claims 10-18, and 19-27: The Claims are readable medium and a system which have the limitations corresponding to the limitations recited in the method of Claims 1-9. See the rationale addressed in the rejection of Claims 1-9.

Conclusion

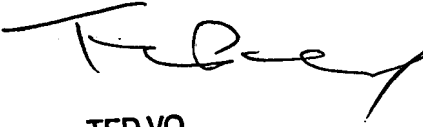
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted T. Vo whose telephone number is (571) 272-3706. The examiner can normally be reached on 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Y. Zhen can be reached on (571) 272-3708.

The facsimile number for the organization where this application or proceeding is assigned is the Central Facsimile number **571-273-8300**.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTV
Art Unit 2191
April 27, 2007


TED VO
PRIMARY EXAMINER